

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

PARKERSBURG DIVISION

VICTOR LEWIS NUTTER,

Petitioner,

v.

CIVIL ACTION NO. 6:07-cv-00140

EVELYN SEIFERT

Respondent.

ORDER

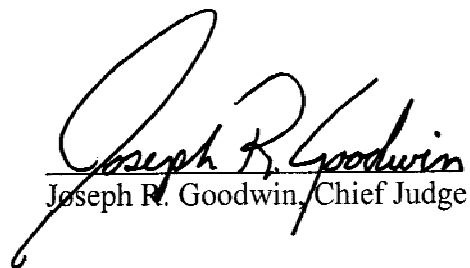
Pending before the court is the respondent's Motion for Summary Judgment [Docket 9]. This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for proposed findings of fact and recommendation for disposition pursuant to 28 U.S.C. § 636(b)(1). On February 5, 2008, the Magistrate Judge submitted proposed findings of fact and recommended that this court grant the respondent's motion for summary judgment [Docket 21]. Objections to the Magistrate Judge's findings were due by February 25, 2008. After the court granted the petitioner's two motions for an extension, the date for submission of objections was moved to March 27, 2008. (*See* Order of Feb. 11, 2008 [Docket 24]; Order of Mar. 21, 2008 [Docket 26].) Neither the petitioner nor the respondent filed any objections by this date.

The failure to object to a magistrate judge's report may be deemed a waiver on appeal of the substance of the report and the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983); *Campbell v. United States D. Ct. N.D. Cal.*, 501 F.2d 196, 206 (9th Cir. 1974). The court has reviewed the Magistrate Judge's findings of fact and recommendations and finds no clear error

on the face of the record. Therefore, the court **ADOPTS** the findings and recommendation of the Magistrate Judge and orders judgment consistent with the findings and recommendations.

The court **GRANTS** the respondent's Motion for Summary Judgment [Docket 9], **DISMISSES** the petitioner's 28 U.S.C. § 2254 petition, and **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 28, 2008



Joseph R. Goodwin, Chief Judge